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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1707 OF 2006
IN
INCOME TAX APPEAL (LOD) NO.855 OF 2006

The Commissioner of Income Tax ..Appellant.

V/s.

M/s.Agni Investment & Trading P.Ltd. ..Respondent.

Mr.Vimal Gupta for appellant.

Mr.J.D.Mistry with Raj Darak for respondent.

CORAM : F.I.REBELLO AND
J.P.DEVADHAR, JJ.

DATED : 16TH OCTOBER, 2007.

P.C. :-

There is a delay of 304 days in preferring the appeal. There is affidavit in support filed by Mr.V.Murlidharan. The I.T.A.T. order was received on 11/3/2005. The Chief CIT's approval was received on 9/6/2005 and the file was sent to the Ministry of Law immediately. The draft appeal memo was received on 24/11/2005 and the appeal was filed on 11/5/2006. There is no explanation whatsoever for the delay between 9/6/2005 and 24/11/2005. Apart from that there is also no explanation for the delay between 24/11/2005 and 11/5/2006 except for saying that the stamp papers were just received. In our opinion, the cause shown would not amount to sufficient cause. Hence Motion is dismissed.

(J.P.DEVADHAR, J.) **(F.I.REBELL0, J.)**